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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Egypt (on behalf of the African Group): draft resolution

1997/... Situation of human rights in Equatorial Guinea and assistance in the field of human rights

The Commission on Human Rights,

Recalling its resolution 1996/66 of 23 April 1996,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming that all States have the obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Bearing in mind that since the adoption by the Economic and Social Council of its decision 1993/277 of 28 July 1993 and the appointment of Mr. Alejandro Artucio as Special Rapporteur of the Commission on Human Rights, the Government of Equatorial Guinea has received the advisory services of the Special Rapporteur and the Centre for Human Rights, and the Special Rapporteur has observed progress in the field of human rights and fundamental freedoms, as indicated in his reports (E/CN.4/1996/67 and E/CN.4/1997/54),

Taking note of the observation of the Special Rapporteur contained in his latest report that the Government of Equatorial Guinea is a party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as to the Convention on the Elimination of All Forms of Discrimination against Women, and his observations that there is political will on the part of the authorities and that efforts made in this regard have led to progress in the situation of human rights and fundamental freedoms,

Conscious that some progress has been made in the field of human rights and fundamental freedoms in Equatorial Guinea,

Noting with concern the continued existence of deficiencies or conditions that lead to violations and abuses of human rights, including the impunity enjoyed by some State officials who have perpetrated or instigated human rights violations, the failure to provide for an independent judiciary, the excessive encroachment of military jurisdiction into criminal matters, the insufficient publicity given to laws and government acts, the continued, if less blatant, repression of dissidents and opponents of the Government, the existence, albeit on a lesser scale, of torture and ill-treatment of prisoners, limitations, also on a declining scale, on the exercise of the right of assembly and other political rights, discrimination against persons belonging to distinct ethnic groups, and failure to complete procedures that would allow legal recognition of non-governmental organizations,

Encouraging the Government, the political parties and governmental and non-governmental organizations to continue their efforts in promoting and protecting human rights and fundamental freedoms,

Noting with satisfaction that in January 1997 the Government and the political parties of the opposition resumed political dialogue to revise the National Pact concluded in 1993,

1. Expresses its thanks to the Special Rapporteur for his report (E/CN.4/1997/54) and welcomes his report and the atmosphere of understanding, assistance and cordiality which the authorities of Equatorial Guinea provided him during his mission;

2. Expresses its appreciation of the efforts of the Government of Equatorial Guinea in welcoming the advisory and the technical assistance, which has led to some progress in the field of human rights and fundamental freedoms in Equatorial Guinea;

3. Notes with interest that the continuity of the process of democratization in Equatorial Guinea has led the Government and the political parties of the opposition to resume their political dialogue in order to revise the National Pact concluded in 1993;

4. Invites the Government, in anticipation of the legislative elections for the entire House of Representatives of the People, to be held in 1998, to take all the necessary measures to guarantee transparency and respect for the electoral law in force in Equatorial Guinea in order to facilitate the free participation of all political parties in the electoral process and, for this purpose, to continue the dialogue with all political parties, which may contribute to the advancement of the process of democratization;

5. Also invites the Government to continue the reform of the electoral legislation in accordance with the recommendations of the United Nations electoral adviser and those of the Special Rapporteur contained in his report;

6. Encourages the Government to pay particular attention to the enjoyment of economic, social and cultural rights;

7. Also encourages the Government to continue the positive efforts it has already undertaken to put an end to the relegation of women to an inferior position and discrimination against them, and to extend their effective participation in the educational, professional, social and political spheres;

8. Further encourages the Government to implement the recommendations made by the Special Rapporteur, inter alia with respect to:

(a) The periodic and regulation publication of laws, decrees and governmental acts;

(b) Accession to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and to the International Convention on the Elimination of All Forms of Racial Discrimination;

(c) The adoption of legislative and administrative measures to guarantee the full independence and impartiality of the judiciary, to ensure due process of law and the enforcement of judicial decisions by the security forces and to put into effective operation the remedy of habeas corpus;

(d) The limitation of the jurisdiction of military courts to trying strictly military offences committed by military personnel;

(e) The transmission of precise instructions to the forces of order and security against arbitrary arrests and for respect of the right of the

individual to security, integrity and freedom and to put an end to the intimidation and harassment of political party activities and of citizens in general;

(f) The immediate termination of all acts of torture and cruel, inhuman or degrading treatment or punishment and the imposition of criminal and disciplinary penalties for those responsible for such human rights violations;

(g) The dismantling of police and military checkpoints responsible for such human rights violations;

(h) The termination of the impunity of those responsible in various ways for human rights violations;

(i) Opposition to any sign or symptom of discrimination against ethnic minorities;

9. Welcomes the improvement in the conditions of prisoners and detainees introduced by the authorities, and requests that these efforts continue in accordance with the Special Rapporteur's recommendations;

10. Requests the United Nations High Commissioner for Human Rights to establish a technical cooperation programme for strengthening the national capacities of Equatorial Guinea in the field of human rights;

11. Requests the Centre for Human Rights and the Special Rapporteur to continue their technical assistance project in partnership with the Government of Equatorial Guinea, in cooperation with the United Nations Development Programme and other United Nations agencies working in the field of human rights;

12. Decides to renew the mandate of the Special Rapporteur for one year;

13. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the discharge of his mandate;

14. Requests the Special Rapporteur to report to the Commission at its fifty-fourth session;

15. Decides to consider the question at its fifty-fourth session under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".